

House File 113 - Introduced

HOUSE FILE 113

BY WOLFE

A BILL FOR

1 An Act relating to the revocation of driver's licenses for
2 drug-related criminal convictions, and including effective
3 date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.412, Code 2017, is amended to read
2 as follows:

3 **124.412 Notice of conviction.**

4 If a person enters a plea of guilty to, or forfeits bail
5 or collateral deposited to secure the person's appearance in
6 court, and such forfeiture is not vacated, or if a person
7 is found guilty upon an indictment or information alleging a
8 violation of **this chapter**, a copy of the minutes attached to
9 the indictment returned by the grand jury, or to the county
10 attorney's information, a copy of the judgment and sentence,
11 and a copy of the opinion of the judge if one is filed, shall
12 be sent by the clerk of the district court or the judge to
13 ~~the state department of transportation and to any state board~~
14 or officer by whom the convicted person has been licensed or
15 registered to practice the person's profession or carry on the
16 person's business, and if the person is a juvenile, as defined
17 in section 232.2, to the state department of transportation.
18 On the conviction of a person, the court may suspend or revoke
19 the license or registration of the convicted defendant to
20 practice the defendant's profession or carry on the defendant's
21 business. On the application of a person whose license or
22 registration has been suspended or revoked, and upon proper
23 showing and for good cause, the board or officer may reinstate
24 the license or registration.

25 Sec. 2. Section 126.26, Code 2017, is amended to read as
26 follows:

27 **126.26 Notice of conviction under chapter.**

28 If a ~~person~~ juvenile, as defined in section 232.2, enters
29 a plea of guilty, or forfeits bail or collateral deposited
30 to secure the ~~person's~~ juvenile's appearance in court, and
31 the forfeiture is not vacated, or if a ~~person~~ juvenile is
32 found guilty upon an indictment or information alleging a
33 violation of **this chapter**, a copy of the minutes attached to
34 the indictment returned by the grand jury, or to the county
35 attorney's information, a copy of the judgment and sentence,

1 and a copy of the opinion of the judge if one is filed, shall
2 be sent by the clerk of the district court or the judge to the
3 state department of transportation.

4 Sec. 3. Section 321.212, subsection 1, paragraph d, Code
5 2017, is amended by striking the paragraph.

6 Sec. 4. Section 321.215, subsection 1, paragraph b, Code
7 2017, is amended to read as follows:

8 *b.* However, a temporary restricted license shall not be
9 issued to a person whose license is revoked pursuant to a court
10 order issued under ~~section 901.5, subsection 10~~, or under
11 section 321.209, subsections 1 through 5 or subsection 7; to a
12 juvenile whose license has been suspended or revoked pursuant
13 to a dispositional order under section 232.52, subsection
14 2, paragraph "a", for a violation of chapter 124 or 453B or
15 section 126.3; to a juvenile whose license has been suspended
16 under section 321.213B; or to a person whose license has been
17 suspended pursuant to a court order under section 714.7D. A
18 temporary restricted license may be issued to a person whose
19 license is revoked under section 321.209, subsection 6, only
20 if the person has no previous drag racing convictions. A
21 person holding a temporary restricted license issued by the
22 department under this section shall not operate a motor vehicle
23 for pleasure.

24 Sec. 5. Section 321.215, subsection 2, unnumbered paragraph
25 1, Code 2017, is amended to read as follows:

26 Upon conviction and the suspension or revocation of a
27 person's noncommercial driver's license under section 321.209,
28 subsection 5 or 6, or section 321.210, 321.210A, or 321.513;
29 ~~or upon revocation pursuant to a court order issued under~~
30 ~~section 901.5, subsection 10~~; or upon the denial of issuance
31 of a noncommercial driver's license under section 321.560,
32 based solely on offenses enumerated in section 321.555,
33 subsection 1, paragraph "c", or section 321.555, subsection
34 2; or upon suspension or revocation of a juvenile's driver's
35 license pursuant to a dispositional order under section 232.52,

1 subsection 2, paragraph "a", for a violation of chapter 124
2 or 453B, or section 126.3; or upon suspension of a driver's
3 license pursuant to a court order under section 714.7D, the
4 person may apply to the department for a temporary restricted
5 license to operate a motor vehicle for the limited purpose or
6 purposes specified in subsection 1. The application may be
7 granted only if all of the following criteria are satisfied:

8 Sec. 6. Section 321.215, subsection 2, paragraph c, Code
9 2017, is amended to read as follows:

10 c. Proof of financial responsibility is established as
11 defined in chapter 321A. However, such proof is not required
12 if the driver's license was suspended under section 321.210A
13 or 321.513 or ~~revoked pursuant to a court order issued under~~
14 ~~section 901.5, subsection 10.~~

15 Sec. 7. Section 321.218, subsection 1, Code 2017, is amended
16 to read as follows:

17 1. A person whose driver's license or operating privilege
18 has been denied, canceled, suspended, or revoked as provided
19 in this chapter or as provided in section 252J.8 ~~or section~~
20 ~~901.5, subsection 10,~~ and who operates a motor vehicle upon
21 the highways of this state while the license or privilege
22 is denied, canceled, suspended, or revoked, commits a
23 simple misdemeanor. In addition to any other penalties, the
24 punishment imposed for a violation of this subsection shall
25 include assessment of a fine of not less than two hundred fifty
26 dollars nor more than one thousand five hundred dollars.

27 Sec. 8. Section 321A.17, subsection 4, Code 2017, is amended
28 to read as follows:

29 4. An individual applying for a driver's license following a
30 period of suspension or revocation pursuant to a dispositional
31 order issued under section 232.52, subsection 2, paragraph
32 "a", or under section 321.180B, section 321.210, subsection
33 1, paragraph "a", subparagraph (4), or section 321.210A,
34 321.213A, 321.213B, 321.216B, or 321.513, following a period
35 of suspension or revocation under section 321.178 or 321.194,

1 or following a period of revocation pursuant to a court order
2 issued under ~~section 901.5, subsection 10,~~ or under section
3 321J.2A, is not required to maintain proof of financial
4 responsibility under **this section**.

5 Sec. 9. Section 453B.16, Code 2017, is amended to read as
6 follows:

7 **453B.16 Notice of conviction.**

8 If a ~~person~~ juvenile, as defined in section 232.2, enters
9 a plea of guilty, or forfeits bail or collateral deposited
10 to secure the ~~person's~~ juvenile's appearance in court, and
11 the forfeiture is not vacated, or if a ~~person~~ juvenile is
12 found guilty upon an indictment or information alleging a
13 violation of **this chapter**, a copy of the minutes attached to
14 the indictment returned by the grand jury, or to the county
15 attorney's information, a copy of the judgment and sentence,
16 and a copy of the opinion of the judge if one is filed, shall
17 be sent by the clerk of the district court or the judge to the
18 state department of transportation.

19 Sec. 10. Section 901.5, subsection 10, Code 2017, is amended
20 by striking the subsection.

21 Sec. 11. CONTINGENT EFFECTIVE DATE. This Act takes effect
22 on the date the governor submits to the United States secretary
23 of transportation a written certification that the governor is
24 opposed to the enforcement in this state of a law described
25 in 23 U.S.C. §159(a)(3)(A) and a written certification that
26 the general assembly has adopted a joint resolution expressing
27 its opposition to the same, in accordance with 23 U.S.C.
28 §159(a)(3)(B). The office of the governor shall notify the
29 Code editor upon submission of the certifications described in
30 this section.

31

EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 Current law requires a court to order the department of
35 transportation (DOT) to revoke a defendant's driver's license

1 for 180 days if the defendant is sentenced for a controlled
2 substance offense under Code section 124.401 (manufacturers,
3 possessors, and counterfeit substances), 124.401A (enhanced
4 penalty for manufacture or distribution on certain property),
5 124.402 (distributors, registrants, and proprietors),
6 or 124.403 (distribution, use, possession, records, and
7 information), a drug or drug-related offense under Code
8 section 126.3 (prohibited acts related to drugs, devices, and
9 cosmetics), or a controlled substance tax offense under Code
10 chapter 453B. Current law also requires a court to send a copy
11 of the order and a notice of conviction to the DOT.

12 This bill strikes those provisions. However, the bill does
13 not affect the suspension or revocation of juveniles' driver's
14 licenses under Code section 232.52 for violations of Code
15 chapter 124, 126, or 453B.

16 The bill takes effect on the date the governor submits
17 to the United States secretary of transportation a written
18 certification that the governor is opposed to the enforcement
19 in Iowa of a law described in 23 U.S.C. §159(a)(3)(A) and a
20 written certification that the general assembly has adopted
21 a joint resolution expressing its opposition to the same, in
22 accordance with 23 U.S.C. §159(a)(3)(B). The bill requires
23 the office of the governor to notify the Code editor upon
24 submission of the certifications.